

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MICHAEL MARSH,

Petitioner,

-against-

JOHN T. SMITH,

Respondent.  
-----X

JUDGMENT  
03-CV- 0329 (NGG)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ JUN 07 2005 ★

BROOKLYN OFFICE

A Memorandum and Order of Honorable Nicholas G. Garaufis, United States District Judge, having been filed on June 6, 2005, adopting the Report and Recommendation of Magistrate Judge Lois Bloom, dated May 2, 2005, after a *de novo* review of the record; denying petitioner's petition for a writ of habeas corpus; ordering that a Certificate of Appealability shall not issue; and certifying pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Court's Memorandum and Order would not be taken in good faith; it is

ORDERED and ADJUDGED that petitioner take nothing of the respondent; that the Report and Recommendation of Magistrate Judge Lois Bloom is adopted in its entirety; that petitioner's petition for a writ of habeas corpus is denied; that a Certificate of Appealability shall not issue; and that pursuant to 28 U.S.C. § 1915(a)(3) any appeal from the Court's Memorandum and Order would not be taken in good faith.

Dated: Brooklyn, New York  
June 06, 2005

ROBERT C. HEINEMANN  
Clerk of Court